



PRIVACY STATEMENT

(Everest Notariaat N.V.)

This privacy statement describes how our firm deals with personal data that are processed as part of our activities and services.

Our contact details

Firm name: Everest Notariaat N.V.
Address: Ptolemeauslaan 54
Postcode / City: 3528 BP Utrecht
Contact person: C.G. Zijerveld
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Our services

Our firm asks you to provide your personal data for the following purposes only:

- to perform engagements for the provision of consultancy or other services;
- to meet legal duties and obligations; or
- for the purposes for which you specifically have given your consent.

Your data will not be processed for other purposes without your consent.

Personal data are requested to prepare notarial instruments, related agreements, other private documents or to perform other engagements.

Rules relating to personal data in notarial instruments

If our firm prepares a notarial instrument or private document that includes your personal data, the civil law notary must comply with the statutory requirements.

These affect the processing of personal data:



1. The civil law notary is required by law to include certain (personal) data in a notarial instrument. This means that there is a legal basis for the processing of your data.
2. The civil law notary is required by law to retain the signed notarial instrument including your personal data permanently.
3. As soon as a notarial instrument is signed by a civil law notary, it becomes an official record with evidential value. This record cannot be changed, not even if the personal data are incorrect. If changes are required, the civil law notary must draw up a new notarial instrument incorporating the change.
4. The civil law notary is required by law to verify your (personal) data with the Personal Records Database (*Basisregistraties Personen* or BRP), the Business Register (*Handelsregister*) and the Cadastre, Land Registry and Mapping Agency (*Kadaster*).
5. The civil law notary is also required to verify your identity. For that purpose, he or she must request you to present a valid form of identification. The civil law notary is one of the few officials who is authorized to make photocopies of complete identity documents.
6. Your personal data are covered by the civil law notary's obligation of professional secrecy. Your data are inaccessible to unauthorized persons.

Consultancy and other services

The following applies to all other processing of personal data by our firm:

1. Personal data are processed for the following purposes and on the following legal basis:
 - **Activity and purpose:** retrieval, collection, consultation, use, storage of data for executing and retaining notarial instruments.
 - **Recipient:** Royal Dutch Association of Civil Law Notaries (KNB), the Dutch Tax and Customs Administration, registries.
 - **Legal basis:** legal obligation (Dutch Civil Law Notaries Act (*WNA*) Sections 58 and 59).



- **Note:** Notarial instruments may be transferred to a central depository (Doc-Direkt) after 20 years and must be transferred to a central depository after 30 years.
2. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** retrieval, collection, consultation, use, storage of data for preparing, processing and finalizing notarial instruments (file).
 - **Recipient:** chain partners engaged by the client (real estate agents, mortgage consultants etc. if the client has given his or her consent).
 - **Legal basis:** legal obligation (Selection list (119) Dutch Government Gazette 2005, no. 212, Dutch Public Records Act (*Archiefwet*)).
 - **Note:** data for the purposes of the Dutch Money Laundering and Terrorist Financing (Prevention) Act (*WWFT*) to be kept separately (recommended) because of maximum retention period of 5 years after completion of the services in respect of additional WWFT data. The civil law notary must be able to substantiate the reason for a notification under the WWFT or the reason for not executing an instrument. Please note that the Act will be amended in 2018, including UBO registrations.
3. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** provision (by forwarding) of drafts and file documents to third parties with the client's consent.
 - **Legal basis:** client's consent.
 - **Note:** for example, draft documents sent to a real estate agent.
4. Personal data are processed for the following purposes and on the following legal basis:



- **Activity and purpose:** retrieval, collection, consultation, use, storage of data for the provision of services not involving an authentic notarial instrument, such as consultancy services, private instruments and the settlement of estates.
 - **Legal basis:** performance of agreement.
5. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** provision (by forwarding) of data or instruments for registration in a register.
 - **Legal basis:** legal obligation (consent in the case of the Central Register of Lasting Powers of Attorney, or *CLTR*).
 - **Note:** certificate of registration.
6. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** recording, consultation for the notarization of signatures.
 - **Legal basis:** performance of agreement (Selection list (123) in conjunction with Section 52(2) Dutch Civil Law Notaries Act (*WNA*). 5 years in accordance with prescription periods (inter alia Section 310 Book 3 Dutch Civil Code).
7. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** collection, recording and use of data for registration in connection with customer acquisition activities and/or newsletters etc.
 - **Legal basis:** client's consent.



8. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** collection, recording and use of data for business contact management in the chain.
 - **Legal basis:** client's consent.
9. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** collection, recording, use etc. of data for financial accounting purposes.
 - **Legal basis:** legal obligation (Section 10(3) and (4) Book 2 Dutch Civil Code; Section 52 of the Dutch General State Taxes Act (*Algemene wet inzake rijksbelastingen* or *AWR*); Section 24(6) Dutch Civil Law Notaries Act (*WNA*), Selection list (122).
 - **Note:** this is also the 7-year retention period for tax purposes.
10. Personal data are processed for the following purposes and on the following legal basis:
- **Activity and purpose:** collection, recording, use etc. of data for creating and managing the personnel records; verification of the identity of employees, retaining wage tax declarations.
 - **Legal basis:** legal obligation (Articles 7.5(4) and 7.9(2) of the Dutch Wages and Salaries Tax Act (Implementation) Regulations (*Uitvoeringsregeling loonbelasting*). Basis for the retention obligation: Section 28(f) of the Dutch Wages and Salaries Tax Act (*Wet op de loonbelasting*).
 - **Notes:** Do not record more data than necessary. Do not ask for and record medical data. However, employers may ask employees who are ill or the occupational health physician or the occupational health and safety service to provide such data as are necessary to be able to



determine what work the employee is able to do and to identify the possibilities and limitations.

11. Personal data are processed for the following purposes and on the following legal basis:

- **Activity and purpose:** collection, recording, use, provision (by forwarding etc.) of data for the creation and management of payroll records.
- **Legal basis:** legal obligation (Section 10 Book 2 Dutch Civil Code).

12. Personal data are processed for the following purposes and on the following legal basis:

- **Activity and purpose:** collection, recording and storage of job application data.
- **Legal basis:** employees' consent.
- **Note:** job application letter, CV, assessment, certificate of conduct. If an applicant is employed, see the personnel records.

Source of personal data processed

If our firm processes personal data concerning you that you yourself did not provide to us, such processing will always be done in the context of the instructions given to us. Such data will then be obtained from one of the following sources:

- Public registers, such as the Cadastre, Land Registry and Mapping Agency (*Kadaster*)
- Real estate agent or other consultant / intermediary in connection with a contract of sale and purchase to which you are a party
- Donor
- Bank
- Adviser involved in a broad sense

Transfer of your personal data



Our firm will transfer your personal data to others (third parties) only if we are obliged by law to do so or if this is absolutely necessary to perform our services.

Our firm may transfer personal data to the following recipients:

- Cadastre, Land Registry and Mapping Agency (*Kadaster*)
- Business Register (*Handelsregister*)
- Tax and Customs Administration (*Belastingdienst*)
- Central Register of Wills or Central Register of Lasting Powers of Attorney

Our firm will not transfer personal data to recipients outside the EU or to international organizations.

Retention of your personal data

Our firm will not store your personal data for longer than necessary for the purpose for which they are collected, for carrying out legal duties and meeting legal obligations or performing agreements (for example with a view to prescription periods). We must observe the statutory retention periods, such as those prescribed by the Dutch Civil Law Notaries Act (*Wet op het notarisambt*) and the Dutch Public Records Act (*Archiefwet*). Notarial instruments must be retained permanently.

Your rights in respect of personal data processed by us

Pursuant to the General Data Protection Regulation, you may exercise the rights mentioned below if your personal data are processed by our firm.

You can do so by submitting a request to us (preferably in writing) using the contact details provided in this privacy statement. Before we grant your request, we have to verify your identity on the basis of a valid form of identification.

Right of access by the data subject

You may always ask us to specify what personal data are processed by our firm, the purpose of processing and for how long personal data are retained. If we cannot grant your request for legal reasons, we will assess this and inform you accordingly.



Right to rectification

If you believe that certain data have not been processed correctly, you have the right to request rectification of these data. If data in a notarial instrument are incorrect, they cannot be rectified. In that case, a new instrument will have to be prepared as a supplement to the incorrect instrument.

Right to erasure (right 'to be forgotten')

You have the right to request erasure of your personal data. Please note that a civil law notary is not permitted to erase your data from a notarial instrument.

Right to restriction of processing

If you want to restrict the processing of personal data by our firm (in anticipation of rectification of your personal data in response to a request from you or your objection to the processing) or if you do not want data to be erased even though the processing is unlawful, you can submit a request to that effect to us.

Right to data portability

If your personal data are not being processed for a notarial instrument and you want to transfer the personal data to another service provider, you can submit a request to that effect to us. Please note that such a transfer is not always possible as it may be incompatible with certain statutory obligations by which civil law notaries are bound.

Potential restrictions on exercising your rights under the General Data Protection Regulation

Our firm makes every effort to honour your rights under the General Data Protection Regulation. However, these rights may conflict with other statutory provisions, such as the Dutch Civil Law Notaries Act (*Wet op het notarisambt*). If the civil law notary is unable to grant your request for this reason, you will be informed accordingly in writing.



Complaints about the processing of your personal data by our firm

If you have any complaints about the processing of personal data by our firm, please let us know on info@everestnotariaat.com. You also have the right to lodge a complaint with the supervisory authority, the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*). For further information please visit www.autoriteitpersoonsgegevens.nl.